

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
MAY 17, 2011 MINUTES
MUNICIPAL COMPLEX
101 Washington Avenue
7:30 PM Executive Closed Session/8:00 pm Work Session**

1. Opening of the Meeting:

The meeting was called to order by Mayor Birkner at 7:30 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regular Borough Council meeting. Notices have been filed with our local official newspapers and posted on the municipal bulletin board."

2. Roll Call:

Mayor Birkner – Present
Councilmember Grefrath - Present
Councilmember Phayre - Present
Councilmember Quinn - Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller - Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Clerk Hughes - Present

Committee Assignments:

Finance, Administration & Capital Projects
Public Properties
Health & Recreation
Fire & Ambulance
Land Use
Police & OEM

3. Resolution #11 - 113: Executive Closed Session

Motion: Council President Miller Second: Councilmember Sciara

Roll Call: Councilmember Grefrath – Yes	Councilmember Phayre - Yes
Councilmember Quinn – Yes	Councilmember Sciara - Yes
Councilmember Waneck – Yes	Council President Miller – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Sciara Second: Councilmember Grefrath

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 8:13 pm.

5. Roll Call II:

Mayor Birkner – Present
Councilmember Grefrath - Present
Councilmember Phayre - Present
Councilmember Quinn – Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller – Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Engineer Boswell - Present
Borough Clerk Hughes – Present

6. Flag Salute

Council President Miller gave the invocation. Mayor Birkner led those present in the salute to the flag.

7. Proclamations for Police Officers Horst and McNiff

Officer Horst was honored for his exceptional performance during a shooting incident in Washington Township. Officer McNiff was honored for saving the life of a choking victim.

8. Resolution #11 -114 : Appointment of Police Auxiliary Officers

Motion to adopt Resolution #11-114: Councilmember Grefrath Second: Council President Miller

Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

Mayor Birkner administered the oath of office to Auxiliary Officers Pietrocco and Gil.

9. Resolution #11 - 115: Fire Department Matters of Personnel

Motion to adopt Resolution #11-115: Councilmember Sciara Second: Councilmember Waneck

Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

10. Fifth Grade Girls Champion Basketball Team Presentation

11. Community Service Awards

Presented by Mayor Birkner and the various Council liaisons to individuals who were nominated by their organizations for outstanding volunteer service to the community.

12. Approval of Minutes: April 5, 19

Motion to adopt the minutes of April 5, 2011: Councilmember Grefrath

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

Motion to adopt the minutes of April 19, 2011: Councilmember Grefrath

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Abstain

13. Reports of Committees and Officials:

A) Mayor's Report

1) HUMC

Mayor Birkner reported that HUMC is prepared to submit the application for a Certificate of Need on June 1. Valley and Englewood Hospitals have filed a motion in State Supreme Court with regards to the judge's decision denying the appeal on the decision to issue the call. It is not expected to be an impediment. It is an expected action that is not considered a threat to the progress of the application moving forward.

Today at the PVH site there was a senior wellness day hosted by HUMC.

2) Westvale Park

Mayor Birkner announced that Westvale Park is essentially open, with the youngest ball players using the new baseball fields. The bike path and dog park are open and being enjoyed by residents.

3) Pascack Brook Walking Tour

Mayor Birkner reported that on Friday Councilmember Waneck and he hosted members from the DEP, the County Administration and DPW, Mosquito Commission, United Water representatives, and area Legislators and officials in a walk along the Pascack Brook. They inventoried and logged problem areas for taking action. This event has been in the works for quite some time. The group walked from the dam to Harrington Park. They found some significant blockages and snags, as well as property maintenance issues where residents are dumping Christmas trees, block, and other fill. Mayor Birkner observed that all in all the brook is in fine shape, with not a lot of areas impeding flow, just two major snags. The County logged quite a number of potential areas where large trees are destined to fall. They are in the process of compiling the data, which will be post on the website for public review.

B) Engineer's Report

1) Bi-weekly Report

Dr. Boswell reviewed the bi-weekly report, a copy of which is attached.

2) Broadway Intersection

Dr. Boswell advised that there will be a meeting next week of all the players to review the final layout of the intersections pertaining to the railroad resignalization. Councilmember Waneck asked what time. Dr. Boswell will let the Borough know.

3) Pascack Brook Sewer Pipe

Councilmember Phayre asked if the Ciolino's driveway is done. Dr. Boswell said it is, and he hasn't heard anything to indicate they are unhappy with it. .

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Veterans Park Update

Ed Sneickus has completed a sketch of what the bandstand area could look like. He also gave prices, which were higher than Councilmember Grefrath expected. He will distribute the information later this week.

b) Shade Tree Update

Councilmember Grefrath announced that the white pine which was germinated on the space shuttle was planted near the train station on Arbor Day. A plaque and map will be in the children's section of the library. A certificate signed by the astronauts will be hung in Borough Hall.

The tree inventory software has been installed and the DPW secretary trained. Other members of the DPW and Shade Tree Committee will be trained later.

c) Finance Committee Update

Councilmember Grefrath reported that the Finance Committee will hold its regular meeting on May 24.

On a personal note, Councilmember Grefrath thanked Westwood Police Officers Hutchinson and Neuberger, and the Westwood Ambulance Corps for responding to his wife's accident.

2) Police and OEM: No report.

3) Fire and Ambulance:

a) Ambulance Corps Update

Councilmember Sciara reported that the Ambulance Corps' new first responder vehicle is in service. It will be at Westwood Pride Day for the public to view it.

b) Fire Department Update

Councilmember Sciara related that the boating safety class held by the Fire Department was well attended.

4) Public Properties:

a) DPW Update

Councilmember Phayre confirmed that the DPW has begun using the tree software. He will be giving updates on how it goes.

5) Land Use:

a) Environmental Committee Update

Councilmember Waneck reported that the Environmental Committee has extensive plans for Westwood Pride Day. Representatives from the BCUA will demonstrate rain barrels, and also have a diorama for children showing how waste goes into the water system.

b) Land Use Boards

The Master Plan review will continue this month. HUMC will be presenting on its hopes for the hospital zones at the June 9th meeting.

6) Health and Recreation:

a) Library Update

Councilmember Quinn reminded everyone to get their tickets for Taste of Westwood on June 5th.

D) Attorney's Report: No report.

E) Administrator's / Clerk's Report: No report.

14. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Phayre

Second: Councilmember Sciara

Voice Vote: A voice vote was taken with all present voting in the Affirmative.

Rod Cassidy, 132 Harding Avenue – noted there is a lot of debris at the spillway. Mr. Cassidy said it must be United Water's responsibility but it's been there for months.

Mr. Cassidy noted that the New Milford council is hosting a meeting for their residents with United Water specifically to discuss flooding. He requested either Westwood participate in this meeting or one be held in Westwood. Mayor Birkner will look into it.

Mr. Cassidy said he has heard talk of a Shop Rite being built in New Milford on United Water land. Mayor Birkner asked if there is organized opposition in New Milford, similar to the group opposing the wetlands construction in Paramus. Mr. Cassidy said information is on the New Milford website.

Mr. Cassidy discussed his concerns with the water levels in the reservoir. Mayor Birkner advised that the data the Borough Engineer presented at the last meeting will be presented to United Water.

Mr. Cassidy asked for a target dates for feedback on the walk in the brook. Mayor Birkner said the data will be compiled and made public. He was pleasantly surprised at the level of the brook, and also surprised by the lack of shopping carts. Mr. Cassidy suggested obtaining permission to access the brook prior to the dredging being done.

Dan Atkins, 123 Harding Avenue – voiced his concerns and vented his frustration with the level of water in the reservoir relative to the forecast for 1-4 inches of rain over the next few days. Mr. Atkins feels United Water is doing nothing. He understands United Water has been sued in other places in the country, and would like to look into doing it.

Eve Protin, 69 Harding Avenue – requested the debris in the storm drains at the end of Harding Avenue be removed. Councilmember Phayre will have the DPW take care of it.

Ms. Protin asked if the Kmart ditch was included in the walkthrough. Mayor Birkner said no. Ms. Protin requested the property owner be cited for the condition of the ditch. She also asked if the garbage contractor for the Kmart Plaza should be emptying the dumpsters at 5 a.m. Captain Durante was present and promised to address the situation.

Ms. Protin requested a stop sign be installed at the end of Steuben because the area has become a speeding zone. Captain Durante will also look into this situation.

Mayor Birkner advised that the Borough Attorney would contact the Kmart property owner about the maintenance of the drainage ditch.

Motion to close the Agenda/Public Forum: Councilmember Waneck

Second: Councilmember Grefrath

Voice Vote: A voice vote was taken with all present voting in the affirmative.

15. Ordinances of First & Final Reading:

Ordinances For Introduction

11-10 An Ordinance To Establish A Schedule Of Salaries, Wages And Compensation Of The Public Officials, Officers And Employees Of The Borough Of Westwood In The County Of Bergen, And To Establish A Method Of Payment Of Such Compensation During Calendar Year 2011.

BE IT RESOLVED that Ordinance #11-10 entitled “An Ordinance To Establish A Schedule Of Salaries, Wages And Compensation Of The Public Officials, Officers And Employees Of The Borough Of Westwood In The County Of Bergen, And To Establish A Method Of Payment Of Such Compensation During Calendar Year 2011” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with a June 21, 2011 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Grefrath

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath – Yes

Councilmember Phayre - Yes

Councilmember Quinn – Yes

Councilmember Sciara - Yes

Councilmember Waneck – Yes

Council President Miller – Yes

Ordinance For Adoption

- 11-9 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Acquisition Of Various Equipment For The Borough Of Westwood Department Of Public Works And Appropriating \$50,000 Therefor And Providing For The Issuance Of \$47,500 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #11-9 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Acquisition Of Various Equipment For The Borough Of Westwood Department Of Public Works And Appropriating \$50,000 Therefor And Providing For The Issuance Of \$47,500 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Grefrath Second: Councilmember Phayre

Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Phayre Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #11-9 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Grefrath Second: Councilmember Phayre

Roll Call: Councilmember Grefrath – Yes Councilmember Phayre - Yes
 Councilmember Quinn – Yes Councilmember Sciara - Yes
 Councilmember Waneck – Yes Council President Miller – Yes

16. Presentation of Bills, Financial Reports and Resolutions:

Mayor Birkner advised that the following Resolutions would be enacted in one motion. Councilmembers who wished to remove any Resolution(s) to be voted upon separately, had the opportunity to do so at this time, and said Resolutions would be considered separately.

Resolution ‘m’ was added, which addresses outdoor dining. Councilmember Waneck commented that there will be an ordinance on outdoor dining as a result of the Master Plan review but until then there needs to be another year of temporary authorization by resolution. Councilmember Quinn asked if only the restaurants in the resolution are permitted outdoor dining. Councilmember Waneck said the

resolution extends the number of seats permitted at those locations. Councilmember Sciara would like enforcement to ensure there is no encroachment. Councilmember Waneck said the Construction Official is very aware of keeping outdoor dining controlled.

Resolutions as Consent Agenda:

- a) **Resolution #11 - 116: Bill List & Statement of Cash**
- b) **Resolution #11 - 117: Appointment of DPW Foreman**
- c) **Resolution #11 - 118: Appointment of DPW Mechanic**
- d) **Resolution #11 - 119: Authorizing Engineering Inspection for 2011 Road Resurfacing Program**
- e) **Resolution #11 - 120: Authorization to Bid Shared Services #107-PVCPS**
- f) **Resolution #11 - 121: Authorizing Shared Services RFP to Select Engineering Firm**
- g) **Resolution #11 - 122: Authorization to Purchase a DPW Vehicle Under State Contract**
- h) **Resolution #11 - 123: Authorization to Purchase a Fire Department Vehicle Under State Contract**
- i) **Resolution #11 - 124: Approval of Brookside Elementary School PTO Application to Consume Alcoholic Beverages on Public Property**
- j) **Resolution #11 - 125: Use of Train Station – Boy Scout Pack #350**
- k) **Resolution #11 - 126: Use of Train Station – Berkeley School PSO**
- l) **Resolution #11 - 127: Opposing S-1351**
- m) **Resolution #11 - 128: Authorizing Outdoor Food Service and/or Dining**

Motion to adopt resolutions #11-116 through #11-128: Councilmember Grefrath
Second: Councilmember Quinn

Roll Call: Councilmember Grefrath – Yes	Councilmember Phayre - Yes
Councilmember Quinn – Yes	Councilmember Sciara - Yes
Councilmember Waneck – Yes	Council President Miller – Yes

17. Adjournment:

Motion to adjourn: Councilmember Sciara Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 9:35 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk